

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

As Engrossed: S2/13/97 S2/18/97 S2/24/97

## A Bill

SENATE BILL 146

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5 By: Senator Walker  
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### For An Act To Be Entitled

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9 "AN ACT TO PROVIDE FOR NOTICE OF VIOLATIONS TO OUT-OF-  
10 STATE PROPERTY OWNERS; TO REQUIRE PROPERTY OWNED BY OUT-  
11 OF-STATE OWNERS TO COMPLY WITH CERTAIN CODES; TO DECLARE  
12 NON-COMPLIANT PROPERTIES PUBLIC NUISANCES; AND FOR OTHER  
13 PURPOSES."

### Subtitle

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16 "TO PROVIDE FOR NOTICE OF VIOLATIONS TO  
17 OUT-OF-STATE PROPERTY OWNERS; TO REQUIRE  
18 PROPERTY OWNED BY OUT-OF-STATE OWNERS TO  
19 COMPLY WITH CERTAIN CODES; TO DECLARE  
20 NON-COMPLIANT PROPERTIES PUBLIC  
21 NUISANCES."

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Any municipality which has established a systematic  
26 residential rental property inspection program may, by ordinance, require that  
27 all owners of residential rental property within the corporate limits of the  
28 municipality to designate an agent for service of process. This agent may be  
29 required to accept service for any civil action and for service of any action  
30 of the municipality brought to enforce against the owner its environmental,  
31 safety, fire, building, electrical, zoning, or other similar codes adopted to  
32 protect the public health, safety and welfare.

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34 SECTION 2. Appointment of such an agent shall not be required if the  
35 owner is available for lawful service of process within the state.

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1           SECTION 3. The owner, or the person designated as the agent of the  
2 owner for service of process, shall register with the office of the city  
3 clerk. Any change in ownership, or change in the designation of an agent,  
4 shall be noted with the city clerk. Whenever an owner fails to designate an  
5 agent or fails to maintain a current designation of an agent or to change a  
6 designated agent as required by this act, then the city clerk shall be an  
7 agent of the owner upon whom any service of process may be served.

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9           SECTION 4. The owner, or agent, shall be responsible for accepting  
10 service of process either in person or by mail in accordance with the Arkansas  
11 Rules of Civil Procedure. This notice shall be effective for actions in all  
12 state courts including city or county municipal courts. When service is made  
13 as herein provided the owner shall be responsible for making any court  
14 appearances and, if so ordered by the court, for bringing the property in  
15 question into compliance with any municipal code, or any lawful order of any  
16 court.

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18           SECTION 5. The failure to register an agent for service of process  
19 shall be the basis for declaring the property a public nuisance. If such a  
20 declaration occurs, the municipality may take any actions authorized by law to  
21 abate the nuisance including, but not limited to, condemnation and demolition  
22 of the property. The costs incurred by the municipality in abating the  
23 nuisance shall be recoverable as a civil judgment against the owner of the  
24 property in addition to filing and enforcing a lien against the property.

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26           SECTION 6. Before a municipality may have a property declared a public  
27 nuisance for failure to maintain a registered agent for service of process the  
28 municipality shall: (1) post notice at the property of its intent to declare  
29 the property a nuisance if an agent is not named and registered with the city  
30 clerk within ten (10) days; (2) send a certified letter to the last known  
31 address of the last registered agent for service of process; (3) send an  
32 additional certified letter to the last known address of the persons listed as  
33 owner on the county property tax records; and (4) publish a notice in a  
34 newspaper with daily general circulation within the city, or if no daily  
35 newspaper is available in a newspaper of general circulation within the city,  
36 every day for ten (10) consecutive days, of the intent to declare the property

1 a public nuisance.

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3 SECTION 7. If the owner or agent for service of process is served but  
4 the owner fails within a reasonable period of time, as determined by a court  
5 of competent jurisdiction including a municipal court, to bring a property  
6 into compliance with all relevant municipal codes, then in addition to any  
7 other penalties, the municipality may file an action in chancery court to  
8 declare the property a public nuisance and proceed to seek all available  
9 remedies to abate the nuisance and recover its costs therefor.

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11 SECTION 8. No person shall be registered as an agent under this act  
12 unless the registration is accompanied by an affidavit executed by the person  
13 agreeing to serve as agent.

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15 SECTION 9. All provisions of this act of a general and permanent nature  
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 10. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25 SECTION 11. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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28 /s/Walker

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